

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NEVEL HESLOP,

Plaintiff,

v.

SGT. B. DANIELS, et al.,

Defendants.

Civil Action No. 18-1503 (MAS) (TJB)


MEMORANDUM OPINION

Plaintiff is proceeding with a civil rights Complaint filed pursuant to 42 U.S.C. § 1983. Because Plaintiff is proceeding *in forma pauperis*, (see Order, Apr. 3, 2018, ECF No. 4), the Court must screen the Complaint to determine whether the case should be dismissed because it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Having completed this screening, for the reasons stated below, the Complaint is dismissed.

Plaintiff names two defendants in the Complaint, Sgt. B. Daniels and SCO Pierce. Beyond naming them as defendants, however, the Complaint does not otherwise reference these two defendants. Specifically, although the Complaint contains factual allegations for an Eighth Amendment denial of medical services claim, Plaintiff does not explain how the two named-defendants were involved in his claim.

While a complaint . . . does not need detailed factual allegations, a plaintiff's obligation to provide the "grounds" of his "entitle[ment] to relief" requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do Factual allegations must be enough to raise a right to relief above the speculative level.

Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (citations omitted). Here, Plaintiff's Complaint does not include even a formulaic recitation of the elements of his cause of action against the named-defendants because it contains no allegations against them. As such, the Complaint is dismissed without prejudice for failure to state a claim upon which relief may be granted. Plaintiff may, within 30 days of the accompanying Order, move to amend the Complaint to cure the defects identified herein; failure to amend will result in the dismissal of the Complaint *with prejudice*.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

Dated: 4/24/18